

ORIGINAL



Richard L. Sallquist
Sallquist, Drummond & O'Connor, P.C.
4500 South Lakeshore Drive
Suite 339
Tempe, Arizona 85282
Phone: (480) 839-5202
Fax: (480) 345-0412

RECEIVED

2007 OCT -1 P 1:08

AZ CORP COMMISSION
DOCKET CONTROL

19

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
WATER AND WASTEWATER SERVICE.

DOCKET NO. WS-02987A-05-0000

REQUEST FOR PROCEDURAL
ORDER TO EXTEND
COMPLIANCE DATE OF
DECISION NO. 68235

(Exhibit with Exhibit attached)

Johnson Utilities, LLC, ("Johnson" or the "Company") hereby files this Request for a Procedural Order regarding Compliance with the Subject Decision on the basis set forth herein.

1. The Compliance Items set forth in Decision No. 68235, dated October 25, 2005, (the "Decision") regarding subsequent filings to be made by the Company related to that Certificate of Convenience and Necessity Extension Application, have previously been completed and docketed with the Commission. The Decision required that the Company file a full rate application for its water and wastewater divisions based upon the Test Year 2006, and that filing be made by May 1, 2007.

2. On March 30, 2007, the Company filed an Application with the Commission requesting the Commission's authority to sell all of the water and wastewater assets (the "Assets") owned by the Company to the Town of Florence (the "Town"), and further requesting

Arizona Corporation Commission
DOCKETED

OCT -1 2007

51030.00000.1987

DOCKETED BY

nr

1 that the Commission cancel all Certificates of Convenience and Necessity previously issued by,
2 or pending before, the Commission.

3 4. On that same day, the Company filed a "Notice of Compliance with Decision No.
4 68235, or alternatively, a Motion to Extend Compliance Dates", citing the pending Application
5 for sale of the Assets to the Town, and requesting a December 31, 2007 Test Year with a June
6 30, 2008 filing date.

7 5. On April 13, 2005 the Commission Staff filed a Staff Report recommending a
8 June 30, 2007 Test Year with a December 31, 2007 filing date.

9 6. The Company responded on April 26, 2007 supporting certain of Staff's
10 recommendations, but asking the Commission to reconsider the Company's proposed year end
11 Test Year.

12 7. Subsequent to that correspondence, numerous discussions between Company and
13 Staff representatives have taken place, discussing the problems and virtues of the requested
14 extension.

15 8. On September 18, 2007, Counsel for the Company received the attached letter
16 form Chief Counsel for the Commission supporting the extension, with the qualifications as
17 stated therein. The Company concurs with Staff's qualifications.

18 WHEREFORE, the Company respectfully requests that the Hearing Division issue a
19 Procedural Order extending the compliance dates as recommended by Staff.

20 ...

21 ...

22 ...

23 ...

1 RESPECTFULLY submitted this 1st day of September 2007.

2
3 SALLQUIST, DRUMMOND & O'CONNOR, P.C.

4 By: [Signature]
5 Richard L. Sallquist
6 4500 South Lakeshore Drive, Suite 339
7 Tempe, Arizona 85282
8 Phone: (480) 839-5202
9 Fax: (480) 345-0412

9 Original and fifteen copies of the
10 foregoing filed this 1st day
11 of September 2007:

11 October
12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington
15 Phoenix, Arizona 85007

16 A copy of the foregoing
17 mailed/hand delivered this
18 1st day of September 2007, to:

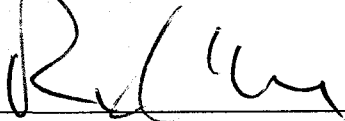
19 October
20 Brian C. McNeil
21 Arizona Corporation Commission
22 Executive Secretary
23 1200 West Washington Street
Phoenix, Arizona 85007

Hearing Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 Legal Division
2 Arizona Corporation Commission
3 1200 West Washington
4 Phoenix, Arizona 85007

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

A handwritten signature in dark ink, appearing to be 'R. L. W.', is written over a horizontal line that spans the width of the text area.

COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE



BRIAN C. McNEIL
Executive Director

ARIZONA CORPORATION COMMISSION

September 18, 2007

Mr. Richard L. Sallquist
SALLQUIST, DRUMMOND & O'CONNOR
4500 South Lakeshore Drive, Suite 339
Tempe, Arizona 85282

RE: Johnson Utilities Company; Docket No. WS-02987A-04-0889
Motion to Extend

Dear Mr. Sallquist:

This letter is written by way of response to your letter dated September 7, 2007 and addressed to Mr. Ernest Johnson, Director of Utilities. In that letter you set forth a series of circumstances which cause Johnson Utilities Company ("JUC") to be interested in delaying the rate case filing that was required by the above-referenced docket.

As you know, the growth and numerous other changed circumstances in JUC's certificated area have combined to cause the Commission and Staff to believe that a rate case is an essential element of determining the ongoing reasonableness of the rates and charges established for JUC. The Commission is concerned to insure that JUC is neither over earning nor under earning to any substantial extent. This is of particular importance since JUC collects significant hookup fee revenues that have the potential to distort any examination of operating results outside a rate case.

However, the concerns described above are of primary importance in a setting in which JUC continues to operate as a Commission regulated public service corporation. Should JUC be acquired by a municipality and become part of a municipally owned utility system, the Commission's concerns would be addressed in the course of considering the transfer proceeding and would not seem to have any residual impacts necessitating a rate case.

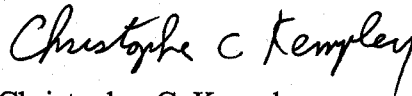
As you can tell, Staff is not interested in requiring JUC to submit a rate case that would not be a productive part of the Commission's ongoing regulatory oversight. Nor is Staff interested in creating any impediments to a possible municipal acquisition of JUC. At the same time, Staff continues to believe that a review of the reasonableness of JUC's rates at the earliest practicable date is an important requirement if JUC is going to remain in business as a public service corporation.

Mr. Richard L. Sallquist
September 18, 2007
Page 2

In order to balance these competing concerns, I have been authorized to advise you of Staff's position with regard to your requested delay to JUC's rate case filing. Staff is willing to accede to changing the requirements such that a rate case filing could be made utilizing a calendar year 2007 test year. However, Staff believes that the date that such a filing should be required is no later than March 31, 2008, rather than June 30, 2008. Staff believes that a March 31, 2008 filing date provides an adequate period of time to prepare such a rate case filing. Of course, consistent with the suggestion in your letter, Staff would anticipate that no further delays to this proposed rate case filing would be requested or granted.

It is Staff's hope that the additional time to prepare and file the requisite rate case will allow JUC a full opportunity to resolve any questions regarding the potential acquisition by a municipal entity. Nevertheless, Staff believes that a date certain for a rate case filing is an essential requirement for regulatory certainty. Should JUC submit a Motion to delay its rate case filing, this letter describes the response that will be submitted on behalf of Commission Staff. Please feel free to contact me if you have any questions.

Sincerely,



Christopher C. Kempley
Chief Counsel, Legal Division

CCK:rbo